

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 19-126(DSD/HB)

James Robert Pope, Sr. and  
Pauline M. Chatfield,

Plaintiffs,

v.

**ORDER**

Phil Buhler, Mayor of the  
City of Butterfield, et al.,

Defendants.

This matter is before the court upon the report and recommendation (R&R) of Magistrate Judge Hildy Bowbeer dated May 8, 2019. The magistrate judge recommended that the court dismiss the case without prejudice for failure to adequately plead a claim and because the claim alleged appears to be precluded by the Rooker-Feldman doctrine.<sup>1</sup> ECF No. 8 at 1; ECF No. 5 at 3-4. Pro se plaintiffs James Robert Pope, Sr. and Pauline Chatfield timely objected to the R&R, but did not provide any basis for that objection.<sup>2</sup>

The court reviews the report and recommendation de novo. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). After a review of the file and record, the court finds that the R&R is well-reasoned and correct. Plaintiffs failed to

---

<sup>1</sup> The magistrate judge granted plaintiffs leave to file an amended complaint, but plaintiffs have failed to do so. See ECF No. 5 at 4.

<sup>2</sup> Plaintiffs filed an appeal to the R&R, which the court will construe as an objection.

file an amended complaint remedying the deficiencies in their original complaint. As a result, the court agrees with the magistrate judge that the case should be dismissed. The court will dismiss the case without prejudice, however, so that plaintiffs may re-file in the future.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The magistrate judge's report and recommendation [ECF No. 8] is adopted in its entirety;
2. The objection [ECF No. 9] is overruled;
3. The action is dismissed without prejudice; and
4. The application to proceed in forma pauperis [ECF No. 2] is denied.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: June 3, 2019

s/David S. Doty  
David S. Doty, Judge  
United States District Court